

# **Citizen Participation Plan & Advisory Board Procedures for Funding Proposals**



City of Sioux Falls  
Planning and Development Services  
Housing Division  
231 North Dakota Avenue  
PO Box 7402  
Sioux Falls, SD 57117-7402

Effective Date: May 7, 2020





## **Temporary COVID-19 Waiver Effective Through December 31, 2020**

Due to COVID-19, program flexibilities and amendments to plans are requested. These flexibilities and amendments establish expedited procedures to draft, propose, or amend consolidated plans (including annual action plans) and citizen participation plans. The minimum 5-day public comment period cited below for substantial amendments may run concurrently with a minimum 5-day public comment period on amendments to Sioux Falls' Citizen Participation Plan as outlined in "CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response" dated April 9, 2020.

Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG and HOME funds.

The 30-day minimum required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. This waiver is in effect until December 31, 2020.

As noted above, the regulations at 24 CFR 91.105 set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens with reasonable notice and opportunity to comment. This Citizen Participation Plan states how reasonable notice and opportunity to comment are provided.

HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD waives 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.401 as specified below to allow the City of Sioux Falls to determine what constitutes reasonable notice and opportunity to comment given the circumstances related to COVID-19. Sioux Falls may use alternative methods for public participation and will allow for reasonable notification and access for citizens. This authority is in effect until December 31, 2020.

The waiver described on this page supersedes any conflicting information contained in the remainder of this Citizen Participation Plan through December 31, 2020.

## **Introduction**

### **What is the City of Sioux Falls' Housing Division?**

The Housing Division is within the Planning & Development Services department. We strengthen the quality of life by providing affordable housing and services for low and moderate income households. As part of that mission, the Housing Division is responsible for the administration of the federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs. Each of those grants is provided by the U. S. Department of Housing and Urban Development (HUD). The Housing Division originated as the Sioux Falls Housing and Urban Renewal Office in 1968.

Citizen participation is an important part of the federal grants and the Housing Division's programs. It is a local effort to meet local needs and is guided and administered by an advisory board and the Housing Division's staff. Citizen input is sought for the planning and execution of the housing programs. The Mayor maintains final approval for allocation of all funds.

### **Objectives of the CDBG Program**

The primary objective of the CDBG program is the development of viable urban communities. These viable communities are achieved by providing the following, principally for persons of low and moderate income.

1. Decent housing
2. A suitable living environment
3. Expanding economic opportunities

All eligible CDBG programs, projects, and activities must meet one of the three national objectives of the program.

1. Benefit to low- and moderate-income persons (not less than 70 percent of the CDBG funds received shall be used for activities that benefit persons of low and moderate income)
2. Addressing slums and blight, or
3. Meeting a particular urgent community development need.

The local objective is to provide all low- and moderate-income persons in Sioux Falls the opportunity to benefit from the CDBG program. It is the expressed intent of the City of Sioux Falls that the program responds to those needs which are identified by the citizens of Sioux Falls and are consistent with the provisions of the federal rules and regulations.

## **Objectives of the HOME Program**

The HOME program allocates funds to expand the supply of decent, safe, sanitary, and affordable housing for very low-income and low-income families. HOME funds require a 25% nonfederal match from local resources.

HOME funds may be used for:

1. Acquisition
2. Rehabilitation
3. New construction of housing
4. Limited tenant-based rental assistance

## Section I—Citizen Participation Plan

### Purpose of the Citizen Participation Plan

The Citizen Participation Plan sets forth the policies and procedures to be used to solicit and encourage the citizens of Sioux Falls to participate in the development and implementation of programs utilizing grant funds from the CDBG and HOME programs. Participation by low income persons is particularly important to the planning process and the expenditure of these federal funds. Anyone requiring assistance in reading or understanding this document or any referenced document due to a disability or difficulty with the language utilized in the plan should contact the Housing Division and sufficient assistance to enable them to understand this document will be provided.

The City of Sioux Falls updated this Citizen Participation Plan in 2020. A public notice was published in the *Argus Leader* on May 1, 2020 and <https://www.siouxfalls.gov/resident-services/housing-neighborhoods/housing> inviting the citizens of Sioux Falls to review and comment on the plan for a period of 5 days. A virtual public hearing was held on May 6, 2020 to receive comments. No comments were received.

### Citizen Participation Opportunities – Accessible Housing Advisory Board

The Accessible Housing Advisory Board is composed of nine appointed members and one ex-officio member from the Sioux Falls School Board (nonvoting member). The Accessible Housing Advisory Board monitors the development and execution of the CDBG and HOME programs. Members of the committee serve without pay for staggered three-year terms. Applications for board vacancies are filed with the Mayor’s Office.

Sioux Falls residents who would like to serve on the Accessible Housing Advisory Board may submit an online application at <http://siouxfalls.gov/mayor/boards-commissions>.

You may also contact:

Mayor’s Office  
PO Box 7402  
224 West 9<sup>th</sup> Street  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8800

When a vacancy exists, the applications (applications are kept for three years) are pulled and sent to the Housing Division for review. The Housing office returns the applications to the mayor with their recommendation. Once the Mayor has made his selection the appointment is sent to the City Council for approval. No board appointments are made without council approval. Elected public officials or employees of the City may not serve as regular voting

members. Meetings are scheduled bimonthly with additional meetings added as needed to develop and execute the City's plan. Board members are notified of meetings through email and/or by telephone messages. Meetings are posted on the front doors of City Center 24 hours prior to a meeting, as well as being posted on the City's website. Citizens are welcome and encouraged to attend all board meetings. Interested parties may contact the Housing Division for information concerning meeting schedules.

## **Citizen Participation Opportunities**

The Accessible Housing Advisory Board will hold at least three public hearings or community meetings during any given year. All notices will be published in the *Argus Leader* at least 14 days prior to the hearing or meeting. Notices will encourage the participation of low-income and minority persons.

Notices will be mailed at least 21 days prior to the needs assessment community meetings to the organizations with which the Housing Division networks requesting that these organizations encourage their clients/members to participate in the community meetings. Additional advertising and outreach methods will be utilized to encourage the participation and representation of all low-income persons and groups.

The Housing Division will encourage participation and input from public agencies, private agencies, government departments, local health department, advocates for people with special needs, senior citizen organizations, faith-based organizations, community action agencies, and the area's public housing agency.

The notice for the two needs assessment community meetings will inform the citizens of the amount of CDBG and HOME funds and program income estimated to be available for the next program year, the range of activities that may be undertaken with those funds, the estimated amount of those funds that will be used for activities that will benefit low- and moderate-income persons, and the deadline for submitting application.

The two needs assessment community meetings will be held to obtain the views and opinions of the citizens of Sioux Falls on the housing and community development needs and the performance of the CDBG and HOME programs. To accommodate public participation, one meeting will be held in the afternoon and a second meeting will be held in the evening. Entities who have submitted applications for funding for programs, projects, or activities for the next program year may be asked to make presentations to the Accessible Housing Advisory Board. An annual action plan and a five-year consolidated plan will be prepared from input received from the citizens and the recommendations from the Accessible Housing Advisory Board. The annual action plan and the five-year consolidated plan will be published for public comment for a period of 30 days. A public hearing will be held during the 30-day comment period to provide residents the opportunity to make public comments on the proposed annual action plan and/or five-year consolidated plan.

## **Access to Community Meetings**

The locations of all public hearings or community meetings will be held at locations accessible to persons with disabilities. Community meetings will only be held after there has been adequate notice made to the public. Additional provisions will be made for people with disabilities when requests are made at least 48 hours prior to a meeting. Community meetings will be held at times and locations accessible and convenient to the City's population who would benefit most from the available funding.

## **Communication Assistance and Limited English Proficiency Residents**

The City of Sioux Falls will undertake reasonable actions to facilitate the participation of all persons in the administration of its housing processes. Such actions may include a sign language interpreter, interpreters for Limited English Proficiency (LEP) residents, or translation of printed materials. Citizens must notify the City at least 48 hours in advance of a public hearing or community meeting of any special accommodations that will be needed. Requests for translation of printed materials will need to be made with sufficient time allowed for the service to be accomplished.

## **Amended Consolidated Plan or Annual Action Plan**

The consolidated plan and annual action plan will be amended whenever a substantial change occurs. The proposed substantial amendment to the consolidated plan or annual action plan will be published in the legal section of the *Argus Leader* and the City will provide a 30-day comment period. A minor amendment to the annual action plan will not be published. Differences substantial amendments and minor amendments are defined later in this citizen participation plan.

The public may comment on a proposed substantial amendment anytime during the comment period by submitting their written comments to:

Housing Manager  
PO Box 7402  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8177

Written comments must include the name and address of the person submitting the comment. Substantial change will be defined as any one of the following:

1. To make a change in its allocation priorities or a change in the method of distribution of funds.



2. To carry out a new activity, using CDBG and/or HOME funds, not previously described in the annual action plan.
3. To provide additional CDBG or HOME funds to a project that was previously approved when the increase exceeds the greater of:
  - a. 100 percent of the original project budget, or
  - b. \$50,000
4. A change in the use of CDBG or HOME funds from one eligible activity to another.

## **Dissemination of Information**

Consolidated plans, annual action plans, and performance reports will be available for public review during the public comment period online at [www.siouxfalls.gov](http://www.siouxfalls.gov), any of the Sioux Falls libraries, or at:

Housing Division  
PO Box 7402  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8177

Presentations on housing and other Housing Division programs are given by staff to various groups upon request.

## **Eligible Activities**

### **CDBG Program**

- Acquisition of Real Property
- Disposition
- Public Facilities and Improvements
- Clearance
- Public Service
- Interim Assistance
- Relocation and Demolition
- Loss of Rental Income
- Privately-Owned Utilities
- Rehabilitation
- Code Enforcement
- Special Economic Development Activities
- Micro Enterprise Assistance
- Special Activities by CBDOs
- Homeownership Assistance
- Planning and Capacity Building
- Program Administration Costs

### **HOME Program**

- Homeowner Rehab
- Homebuyer Activities
- Rental Housing
- Tenant-based Rental Assistance (TBRA)

### **Anti-displacement Policy**

The City will discourage projects that involve the displacement of persons. If displacement of persons does occur in a project for which relocation assistance is required, the City will make provisions for the appropriate assistance as established by federal regulations.

### **Technical Assistance**

Organizations representing the interests of very low- and low- income persons may request technical assistance from the Housing Division in the development of proposals for CDBG or HOME funding to address any of the priority needs identified in the City's consolidated plan. Technical assistance may include, but is not limited to interpreting the CDBG and HOME program regulations, procedures and other requirements and assisting low- and moderate-income citizens to develop statements of need, and programs to address those needs.

A request for technical assistance should be made to:

Housing Manager  
PO Box 7402  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8177

### **Public Comments**

The City of Sioux Falls will consider all views and comments of its citizens with respect to its consolidated plan, annual action plan, substantial plan amendment, and performance reports. Comments may be made orally at community meetings or in writing to:

Housing Manager  
PO Box 7402  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8177

A summary of all comments and views and how they were addressed by the Housing Division will be included in the related plan or report. The City will respond to written views and comments from citizens within 15 working days of the receipt of the comment. The public comment period will not be less than 30 days prior to adopting the final consolidated plan, annual action plan, or substantial amendment. A notice for a review and comment period prior to submission of a performance report will be at least 15 days.

**Types of Assistance Available**

Assistance is provided in varying forms. Any capital improvement project will require a repayment.

Grant	No repayment
0% interest deferred payment loan	Mortgage on property due upon sale, transfer, discontinuance of occupancy, or noncompliance with the loan agreement
Low interest or 0% interest loan	Mortgage on property with periodic payments (i.e. monthly, annually, etc.)
Diminishing loan	Mortgage on property with the amount of the loan reducing over a specific time period

The Housing Division will not provide funding for normal operating expense such as office supplies or equipment.

**Appeals Procedures**

If you have a complaint related to the consolidated plan, annual action plan, substantial plan amendment, or the performance report; or if your proposal is rejected for funding by the Accessible Housing Advisory Board, you may appeal or file a complaint in the following manner.

Such complaints or appeals should be submitted in writing to:

Housing Manager  
 PO Box 7402  
 231 North Dakota Avenue  
 Sioux Falls, SD 57117-7402  
 Phone: (605) 367-8177

Housing Division staff will respond to your complaint or appeal within 15 working days.

## **Conflict of Interest Policy**

The federal government's general rule is that no persons who exercise or have exercised any functions or responsibilities with respect to CDBG or HOME activities, or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG/HOME assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG/HOME assisted activity, or with respect to the proceeds of the CDBG/HOME assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter.

If a member of the Accessible Housing Advisory Board or a staff member of the Housing Division has a conflict of interest with a proposed project or an approved project, they will notify the board of the conflict of interest and the specifics of the conflict. At a minimum, the individual with the conflict of interest will recuse themselves from the board meeting during any discussions or actions concerning that project and will refrain from any discussions concerning the project or the project's host organization with all board members.

Other actions may be necessary depending upon the nature of the conflict of interest situation. The Housing Division will review and research all reported conflicts, and will advise the Accessible Housing Advisory Board of appropriate actions in each case.

## Section II—Project Funding

### Procedures for Funding Proposals

In the spring of each year, a notice will be published in the local paper, the *Argus Leader*, requesting applications for CDBG and HOME assistance for the following year. The notice will include the range of activities that may be undertaken with the CDBG and/or HOME funds and the deadline for submitting applications to receive funding for the next program year.

All applications must be completed in their entirety and accurately describe the activity and/or project for which funds are requested.

The Accessible Housing Advisory Board will make recommendations based on several factors including:

1. Meeting a national objective of the program
2. Whether the proposed project or activity is an eligible activity
3. Availability of funding
4. Amount of the funding request
5. Local priority needs
6. Leveraging of local resources
7. Availability of other resources
8. Low-income benefit
9. Past experience with federal programs including the number of open or uncompleted projects or activities with the Housing Division
10. The number of applications submitted by the same applicant during one funding cycle
11. The likelihood of success in completing the project or activity as proposed by the applicant
12. Whether applicant has site control.

Applications submitted for HOME funds for construction or rehabilitation projects need to identify specific resources to be used to meet the nonfederal match requirements of that program.

Applications for funding normal repair and maintenance of facilities are not eligible.

Applications are to be submitted electronically and 16 hard copies to:

Housing Manager  
PO Box 7402  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
Phone: (605) 367-8177

Applications delivered to the office must be submitted during regular business hours and must be received prior to the published deadline. Housing Division staff will make a preliminary determination of eligibility under federal rules and regulations and will review the proposals for completeness. Incomplete and/or ineligible applications will be rejected. Housing Division staff will contact applicants if additional information is needed or if there are questions concerning the application or the proposed project. The board will consider funding the proposals after all information and answers/clarifications have been received and reviewed. If the board recommends funding of a project or activity, it will be included in the proposed annual action plan. Funding award recommendations made by the Accessible Housing Advisory Board are not a guarantee that the project or activity will be funded or will be funded at the amount identified. All funding is contingent upon receipt of federal funds by the City at or above the estimated grant allocation for the project year. The Mayor has the discretion to add or remove program funds, fund a new initiative, or deny a proposed project approved by the board. The Proposed annual action plan will be made available for public comment for a period of 30 days. Public comments received will be considered and incorporated into the annual action plan prior to submission to HUD.

If a project is approved for funding, the Recipient will be required to sign an agreement and possibly a mortgage and promissory note depending on the type of activity. All construction projects will be subject to the South Dakota bid laws which require advertising and competitive bidding. Goals for utilizing Disadvantaged Business Enterprises on the project will be required. Federal regulations will apply to the entire project regardless of the amount of CDBG and/or HOME funding received. Compliance with Davis Bacon Labor Standards will be required if applicable. The Recipient will be required to submit a preliminary set of plans and specifications to the Housing Division prior to setting the date for bid opening. The scope of work to be completed and/or the project cost shall not deviate from what is described in the application or presented to the advisory board without board approval. Deviations may jeopardize the CDBG and/or HOME funding of the entire project. It will be the recipient's responsibility for continued compliance with all local, state, and federal requirements throughout the project. The recipient will also be required to submit various forms and contract documents to show compliance. Environmental reviews must be completed on all projects prior to the commitment and expenditure of any funds. Payments will not be made on any projects that are not in compliance.

In the event of accepting applications for additional projects or activities, it is the policy of the Accessible Housing Advisory Board to wait until the next scheduled meeting to act upon a request for funding. The timing is deemed necessary to allow the committee the opportunity to study the proposal, to develop questions, to gather additional information, and to review the project. The board may waive this policy and act on the proposal if they have determined that they have sufficient information regarding the project and it is the consensus of the group to act on the proposal.

# Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

SF, CITY OF  
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SIOUX FALLS, SD 57104

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## Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

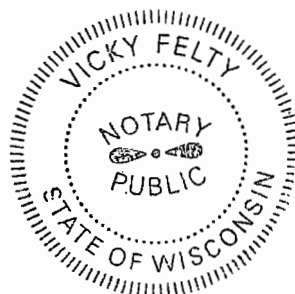
Friday, May 1, 2020

Sworn to and subscribed before me this 1 day of May, 2020.

AG  
Legal Clerk

Vicky Felty  
Notary Public, State of Wisconsin, County of Brown

9-19-21  
My Commission expires



**PUBLIC NOTICE**

This notice provides the public an opportunity to examine and comment on the amended Citizen Participation Plan for the City of Sioux Falls. The City is required to adopt a Citizen Participation Plan that sets forth its policies and procedures for citizen participation related to the Federal Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) programs. The City will provide adequate information to citizens, hold public hearings to obtain views of citizens, and provide citizens an opportunity to comment on the City's community development performance.

The plan is available online at [www.siouxfalls.org/planning-dev/planning/affordable-housing/citizen-participation](http://www.siouxfalls.org/planning-dev/planning/affordable-housing/citizen-participation). Because of the ongoing COVID-19 pandemic, and the closure of libraries and City Center, hard copies of the Citizen Participation Plan will not be made available at those locations. Citizens may request a hard copy of the plan from [aroettger@siouxfalls.org](mailto:aroettger@siouxfalls.org) or by dialing 367-8180. The Citizen Participation Plan may be made available in Spanish upon request.

We invite the citizens of Sioux Falls to submit comments regarding the amended Citizen Participation Plan. People of low- and moderate-income, people who are homeless, racial and ethnic minorities, people of limited English proficiency, people with disabilities, female-headed households, and entities that provide services to these populations are specifically encouraged to review the plan. People wishing to comment have two means to do so. They may do so in writing to [aroettger@siouxfalls.org](mailto:aroettger@siouxfalls.org); or they may call in to a virtual public hearing held by Housing Division staff on May 6, 2020, at 4 p.m. by dialing 605-367-8898 and entering the participant code 778-0401 for anyone wishing to discuss written comments. Written comments must include the name and address of the person submitting the comment. Written comments must be received by May 6, 2020, at 50 p.m. A summary of the submitted comments, and applicable responses if necessary, will be included in the plan submitted to HUD.

For additional information, please call 367-8180 (voice) or 367-7039 (TTY for hearing impaired) for communication assistance. If an ADA accommodation is needed, please contact the Human Relations Office at 605-367-8745 or [humanrelations@siouxfalls.org](mailto:humanrelations@siouxfalls.org) at least 72 hours before the event.

This notice will be made available in Spanish upon request. Este aviso estará disponible en español a pedido.

**AN EQUAL OPPORTUNITY OFFICE** Published once at an approximate cost of: \$66.61  
4171377 May 1, 2020





[See Details](#)

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Related

Housing

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